

Wednesday, July 28, 2010 (at 11:00 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, at the opening of today's legislative session, once again we pause for a moment of reflection and prayer. We also seek Your guidance and Your blessings upon today's deliberations. In the closing days of formal legislative sessions, we continue to struggle to resolve the difficult and sensitive issues which are still before us. Help us to work together in a reasonable, patient and cooperative manner. We all share common goals to meet the needs of the people and the Commonwealth in these uneasy times. By our common sense and united efforts, may we build trust, confidence, hope and good will in the minds of the electorate as they struggle with their own family and employment problems. May our dedication to the common good strengthen the faith of the people in the relevance of our constitutions and traditional philosophical principles and values.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Prayer.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

Resolutions (filed with the Clerk by Messrs. Guyer of Dalton, Pignatelli of Lenox, Bosley of North Adams and Speranzo of Pittsfield) celebrating the Hancock Shaker Village fiftieth anniversary, were referred, under Rule 85, to the committee on Rules:

Hancock
Shaker Village.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Pignatelli, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Engrossed Bill.

The engrossed Bill relative to the police department of the University of Massachusetts (see House, No. 4409, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Recess.

At twelve minutes before twelve o'clock noon (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Paper from the Senate.

The House Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (House, No. 4662) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 6, inserting after the word “years.” the following sentence “The lease, license or rental agreement shall be subject to subsection (s), (b) and (g) of section 16 of chapter 30B of the General Laws.”.

Westford,—
land.

Under suspension of Rule 35, on motion of Mr. Arciero of Westford, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The Senate Bill to protect and enhance the rights of child and adult victims and witnesses of crime (Senate, No. 2566, amended by striking out section 1 and inserting in place thereof the following two sections:

Crime,—
victims.

“SECTION 1. Section 54 of chapter 119 of the General laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘sixty-nine’, in line 26, the following words:— or the person has committed a violation of section 13B of chapter 268.

SECTION 1A. Section 1 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after the word ‘delinquency’, in line 10, the following words:— or conviction as a youthful offender”) (on Senate bill No. 2510), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following bills ought to pass:

Relative to the disposition of museum property (Senate, No. 2402);

Museums.

Authorizing the Commonwealth of Massachusetts to convey a certain parcel of land in the town of Dartmouth (Senate, No. 2553); and

Dartmouth,—
land.

Updating the hoisting law (Senate, No. 2564);

Hoisting law.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matters be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to flea market vendors (Senate, No. 2282, amended) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4941. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Flea markets,—
vendors.

Mr. Kafka of Stoughton, for said committee, reported recommending that the

matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2282, amended) was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill exempting towns from certain fees (House, No. 847) ought to pass with an amendment substituting therefore a Bill exempting municipalities from permit application fees under the Massachusetts oil and hazardous material release prevention and response act (House, No. 4942). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Municipalities,—
fee exemption.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill safeguarding our natural resources (House, No. 4172) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4943). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Natural
resources,—
safeguard.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the leasing of land in Grafton to the United State Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4892) ought to pass with amendments in lines 46 and 48 by striking out the figure “5” and inserting in place thereof, in each instance, the figure “4”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Grafton,—
land.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (House, No. 4892, amended) was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the registration of podiatrists (House, No. 2044) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing,— that the bill be

Podiatrists,—
registration.

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amended by substitution of a bill with the same title (House, No. 4912),— pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on House, No. 4843, a Bill creating a special commission on college scholarships (House, No. 4940). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

College
scholarships,—
study.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to independent contractors (House, No. 4748) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4944). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Independent
contractors.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill, relative to limiting certain types of dual alcohol licensures (Senate, No. 169, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Dual alcohol
licensures.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to an intermunicipal agreement between the towns of Provincetown and Truro (House, No. 4873).

Provincetown
and Truro,—
agreement.

By the same member, for the same committee, on a petition, a Bill abolishing the board of public works in the town of Hopkinton (House, No. 4882) [Local Approval Received].

Hopkinton,—
public works.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Motions to Discharge Certain Matters in the Orders of the Day.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (Senate, No. 2286, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of the rules, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

Somerville,—
land.

The House Bill validating actions taken at a special town election held in the town of Ashfield (printed in House, No. 4612), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed. Sent to the Senate for concurrence.

Ashfield,—
validate acts.

The following bills (having been reported by the committee on Bills in the

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Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Establishing a linkage exaction program in the city of Gloucester (Senate, No. 100);

Exempting the position of chief of police of the town of Great Barrington from civil service law (Senate, No. 2332); and

Relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567);

Severally were passed to be engrossed, in concurrence.

Gloucester.

Great
Barrington.

Volunteer
dentistry.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482, amended);

Authorizing the leasing of a certain of parcel land owned by the Department of Conservation and Recreation in the town of Hingham (House, No. 4823, amended) (its title having been changed by said committee);

Validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (House, No. 4929) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reservation buildings and park land in the town of Hull for development purposes (House, No. 4932);

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

D.C.R.,—
lease.

Hingham,—
D.C.R. land.

Hopkinton,—
election.

Salisbury,—
land.

Hull,—
Nantasket
Beach.

The House Bill relative to retirement benefits for Stanley Daoust (House, No. 4709) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Pending the question on passing the bill to be engrossed, Mr. Pignatelli of Lenox moved to amend it by adding the following section:

“SECTION 2. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (House, No. 4709, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Lee,—
Stanley
Daoust.

Recess.

At twenty-four minutes before two o'clock P.M. (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of four o'clock; and at eighteen minutes after four o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

Report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4714) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to implement a voluntary donation system and providing for the establishment of a veterans council assistance fund for said town.

Hingham,—
veterans
council.

Under suspension of the rules, on a motion of Mr. Rushing of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Bradley of Hingham.

Report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4758) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions.

DOR,—
reimbursements.

Under suspension of the rules, on a motion of Mr. Rushing of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Bradley of Hingham.

Emergency Measure.

The engrossed Bill relative to mortgage foreclosures (see Senate, No. 2407, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Mortgage
foreclosures.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill
enacted.

Recess.

At seventeen minutes before five o'clock P.M. (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the following day at a half past twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.